

Remarks/Arguments

Claims 1-33 are pending in the application. By this Amendment, claims 8, 14, 17, 19, 23-27 and 30-33 are amended. Additionally, the specification is amended.

The Office Action objects to claims 8, 14, 17 and 23 as based upon rejected base claims but indicates that these claims would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. Claims 8, 14, 17 and 23 have been rewritten in independent form including all of the elements of the base claims and all intervening claims. Thus, according to the Office Action, claims 8, 14, 17 and 23 are allowable. Applicants respectfully request the objection to claims 8, 14, 17 and 23 be withdrawn.

Applicants gratefully acknowledge the indication that claims 8, 14, 17 and 23 define patentable subject matter. For the following reasons, Applicants respectfully submit that claims 1-7, 9-13, 15, 16, 18-22 and 24-33 also define patentable subject matter.

Item 1 of the Office Action objects to the drawings under 37 CFR 1.83(a) as failing to show and label a bell crank. Applicants have taken the suggestion of the Office Action and renamed part number 83 in the written specification. Part number 83 is now referenced as a straight lever.

Item 1 of the Office Action also objects to the drawings under 37 CFR 1.83(a) as failing to show and label a hole, indicating that 108a labels a space. Applicants respectfully disagree. Webster's dictionary defines a hole as "an opening into or through anything" or alternatively as "a hollow space". (Webster's Third New International Dictionary, Unabridged, Copyright 1976, G & C Merriam Company Publishers, Springfield, MA, USA) That same dictionary defines space as "a lapse of time between two points in time" or alternatively as "a limited extension in one, two or three dimensions." Other dictionaries give similar definitions for these terms. Clearly 108a references both "a hollow space" and "an opening into or through" something and, thus, Webster's definition of a hole; it does not reference Webster's definition of space. Thus, Applicants respectfully submit that the written description and the drawings accurately reference 108a as a hole.

Applicants submit that the drawings now accurately show and label both a straight lever 83 and a hole 108a. It is respectfully requested that the objection to

the drawings under 37 CFR 1.83(a) be withdrawn.

Item 2 of the Office Action objects to the specification as being unclear for referring to 83 as a bell crank and 108a as a hole. As demonstrated in Applicants' response to Item 1, the specification now references 83 as a straight lever and 108a accurately represents a hole. It is respectfully requested that the objection to the specification be withdrawn.

Item 4 of the Office Action rejects claims 15, 19-21, 24-27 and 30-33 under 35 USC 112, second paragraph. The rejection is respectfully traversed with respect to claims 15 and 21.

The Office Action rejects claims 19 and 25 for referring to a bell crank which it deems to be unsupported by the specification. Claims 19 and 25 are amended to reference a straight lever which is now supported by the written description and the drawings.

The Office Action rejects claims 15, 21 and 33 for reciting a hole which it deems to be unsupported by the specification. Applicants respectfully disagree. As demonstrated in Applicants' responses to Items 1 and 2 above, claims 15, 21 and 33 accurately reference a hole which is supported by the drawings and the written description.

The Office Action rejects claims 24-27 and 30-33 as improper method claims. Claims 24-27 and 30-33 are amended to include active steps as recommended by the Office Action. Thus, according to the Office Action, claims 24-27 and 30-33 are now proper method claims

Applicants respectfully submit that claims 15, 19-21, 24-27 and 30-33 now particularly point out and distinctly claim subject matter which Applicants regard as the invention. It is respectfully requested that the rejection of claims 15, 19-21, 24-27 and 30-33 under 35 USC 112, second paragraph, be withdrawn.

Item 6 of the Office Action rejects claims 1-6, 9-13, 15, 16, 18, 21, 24, 27, 28, 30 and 32 Under 35 USC 103(a) as unpatentable over either US Patent 6,168,368 to Apgar et al. (hereinafter Apgar et al.) or US Patent 4,858,345 to Abe et al. (hereinafter Abe et al.) The rejection is respectfully traversed.

Claims 1 and 9 recite, inter alia, a "linkage support system...comprising: a load bearing support...and a linkage pin support, the linkage pin support removably attached to the load bearing support, the linkage coupled to the linkage pin support" (emphasis added). Likewise, claim 16 recites, inter alia, a "work

vehicle...comprising...a load bearing support...and a linkage pin support, the linkage pin support removably attached to the load bearing support..." (emphasis added).

Finally, claims 22 and 28 recite, inter alia, a "method of manufacturing a linkage support system for a work vehicle...comprising: manufacturing a linkage pin support independently and separately from the frame; using a portion of the mast as a load bearing support..." and "removably attaching the linkage pin support to the load bearing support". (emphasis added) One of the advantages of the structure and method recited by these claims is the ability to change linkage pin locations "for optimal performance of the same or of a different linkage" during the life of the work vehicle without the expense of obtaining another vehicle or an entire conventional frame as stated in paragraph 0003 of the written description.

The Office Action admits that neither Apgar et al. nor Abe et al. disclose the features mentioned above. Applicants agree that neither Apgar et al. nor Abe et al. nor any combination thereof disclose or suggest "the linkage pin support removably attached to the load bearing support" as recited in claims 1, 9 and 16. Further, Applicants agree that neither Apgar et al. nor Abe et al., taken alone or in combination, disclose or suggest "removably attaching the linkage pin support to the load bearing support" as recited in claims 22 and 28.

The Office Action merely asserts that the features emphasized above are obvious. According to MPEP 706.02(j):

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure." (emphasis added)

Applicants respectfully submit that, as the Office Action states, neither of the applied references, taken alone or in combination, teach or suggest the features emphasized

above, i.e., the structure or method involved in "removably attaching the linkage pin support to the load bearing support". Neither the teaching nor the suggestion to make the claimed combination or the reasonable expectation of success can be found in the applied art. Thus, Applicants respectfully submit that the rejection is improper and that claims 1, 9, 16, 22 and 28 overcome the applied art. Further, claims 2-8, 10-15, 17-21 and 28-33 overcome the applied art as these claims depend from claims 1, 9, 16, 22 and 28 and recite additional features. It is respectfully requested that the rejection of claims 1-6, 9-13, 15, 16, 18, 21, 22, 24, 27, 28, 30 and 32 under 35 USC 103(a) as unpatentable over either Apgar et al. or Abe et al. be withdrawn.

Item 7 of the Office Action rejects claims 7, 19, 20, 21, 25, 26, 27, 31 and 33 under 35 USC 103(a) as unpatentable over Abe et al. in view of US Patent 5,746,861 to Mandon (hereinafter "Mandon"). The rejection is respectfully traversed.

As demonstrated in Applicants' response to Item 6, neither Apgar et al. nor Abe et al., alone or combined, disclose or suggest every feature of the invention as recited in independent claims 1, 9, 16, 22 and 28. Mandon is merely concerned with a method of manufacturing a lift arm assembly 10. Thus, Mandon does not disclose or suggest every feature of claims 1, 9, 16, 22 and 28, in particular Mandon does not disclose "removably attaching the linkage pin support to the load bearing support" or the structure resulting therefrom. Thus neither Abe et al. nor Mandon, taken alone or in combination, disclose every feature of claims 7, 19, 20, 21, 25, 26, 27, 31 and 33 as these claims depend from claims 1, 9, 16, 22 and 28 and recite additional features. It is respectfully requested that the rejection of claims 7, 19, 20, 21, 25, 26, 27, 31 and 33 under 35 USC 103(a) as unpatentable over Abe et al. in view of Mandon be withdrawn.

For at least the reasons set forth above, Applicants respectfully submit that the application defines patentable subject matter and is condition for allowance. Favorable reconsideration and prompt allowance of claims 1-33 is respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, he is invited to contact Applicants' undersigned representative at the telephone number listed below.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

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